

PURPOSE

To assure consistency across the Michigan Department of Health and Human Services (MDHHS) hospitals regarding the use of video surveillance monitoring.

DEFINITIONS**Common Area**

Hallways, nursing stations and social activity areas within the psychiatric unit.

Consent

A written agreement executed by one of the following:

- A patient who is at least 18 years of age and competent to consent.
- A guardian of the patient if the guardian is legally empowered to execute such a consent.
- A parent with legal and physical custody of the patient if the patient is less than 18 years of age.

Hospital

An inpatient program operated by the department for the treatment of individuals with serious mental or emotional disturbance.

Video Surveillance Monitoring

The recording of moving visual images made digitally or on video tape for the purposes of safety, security, and quality improvement.

Written Notice

Information received in writing.

POLICY

Video surveillance monitoring may be conducted in a hospital:

- For purposes of safety, security and quality improvement within common areas, the psychiatric unit, and restraint and seclusion rooms with written notice to patients upon admission. Video surveillance recordings taken in common areas shall not be

used for treatment or therapeutic purposes. Documentation of the patient's receipt of the written notice shall be maintained in the patient's record.

Recorded video surveillance images shall not be maintained as part of a patient's clinical record.

- In non-private places for internal and external hospital security monitoring with or without patient consent, or hospital employee staff, family, or visitor authorization. Such places include but are not limited to entrances, corridors, and parking lots. In situations of actual or suspected security concerns special video surveillance monitoring may be conducted by hospital administration for investigation and documentation purposes.

Hospital administration will be responsible for maintaining the video surveillance equipment, securing the video surveillance system, limiting access to authorized users, maintaining the viewing log, and duplicating video surveillance data as necessary.

Video surveillance images must be digitally recorded on a server dedicated to video surveillance and saved for no less than 30 days before deletion may occur. Video surveillance images that are pertinent to an ongoing incident investigation must be saved for the duration of the investigation.

Access to the video surveillance data must be authorized by hospital administration. The office of recipient rights and central office human resource staff shall have unimpeded access, facilitated by hospital administration, to all necessary data from the video surveillance system. This includes copies of video recordings and assistance with the creation of timelines with hospital staff and patient identification as requested to conduct a thorough investigation or to fulfill their monitoring function.

Each viewer must log the date, time, sections viewed, and purpose of viewing. Not less than monthly the hospital's quality control officer will review the surveillance log to verify that data has been accessed appropriately within the confines of this policy.

If an investigation should occur that impacts the employment status of a hospital employee, represented or not exclusively represented by organized labor, the hospital shall provide reasonable accommodation to the employee to view relevant video surveillance recordings.

Hospitals must release video surveillance data to law enforcement entities by order of the court. Unless otherwise required by law video surveillance data must not be viewed by or released to individuals or agencies outside of the hospital without consent from the patient or by a court order. Consent may not be necessary in instances where video surveillance data has been blurred to protect the identity of one or multiple patients. Entities that are entitled to copies of video surveillance data shall receive requested copies from the hospital administration no later than 10 calendar days from the receipt of the request, or sooner depending on the nature of the court order.

Video surveillance data may not be used to monitor hospital employee performance and may not be utilized for human resource functions apart from investigations related to abuse or neglect, patient or staff injuries, alleged criminal activity, accidents, environmental hazards, incident report investigations, and alleged rule violations.

STANDARDS

Hospital administration must establish written standard operating procedures that address, at a minimum:

- How the hospital's video surveillance equipment will be maintained, secured, limited to authorized users, how the viewing log will be maintained, and how video surveillance data will be duplicated.
- The identification of locations where the video surveillance images will be recorded and saved.
- The mechanisms by which patients and visitors will be advised of the video surveillance.
- Documentation required to be maintained for each instance of authorized access, viewing, duplication or distribution of any recorded surveillance videos.
- The process to assure retrieval of distributed recorded surveillance video when the purpose for which the video was distributed no longer exists.
- The process to assure that regulatory agencies, with statutory access to video surveillance can secure recorded surveillance video upon request.

REFERENCES

Michigan Mental Health Code, MCL 330.1724

CONTACT

For more information concerning this policy contact the Bureau of Hospitals and Administrative Operations.